



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

OCT 1 2002

Mr. Phil Vonderwell  
Technical Consultant  
RCS, Inc.-Ohio  
950 Taylor Station Road, Suite M  
Gahanna, Ohio 43230

Reference No.: 02-0210

Dear Mr. Vonderwell:

This is in response to your letter requesting clarification of the phrase "no free liquid" as used in Special Provision 47 of § 172.102 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your product consists of hermetically sealed packets, each containing less than 10 mL of a Class 3, PG II, material absorbed onto a solid material. You stated that each packet contains a small amount of free liquid. It is your understanding that the term "no free liquid" means that all liquid has to be absorbed.

Your understanding is correct. The term "no free liquid" in Special Provision 47 describes the physical state when a liquid hazardous material is completely absorbed onto a solid material such that no liquid is visible away from the solid material at the time the material is closed within the package. Special Provision 47 applies only to the proper shipping name "Solids, containing flammable liquid, 4.1, UN3175, II." Because of the free liquid in the packets, that shipping name is inappropriate for your product; however, the packets may be shipped as a Class 3 material under the small quantity exception in § 173.4.

I trust this satisfies your inquiry.

Sincerely,

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



020210

172.102



August 15, 2002

Director Office of Hazardous Materials Standards  
US DOT / RSPA  
400 7th Street Southwest  
Washington D.C. 20590  
DHM-10  
Attn: Edward Mazzullo

**RE: Special Provision 47 Interpretation**

Dear Mazzullo,

This letter serves as a request to receive a written interpretation and confirmation from RSPA regarding Special Provision 47 and the term "no free liquid." Special Provision 47 states:

(47) Mixtures of solids which are not subject to this subchapter and flammable liquids may be transported under this entry without first applying the classification criteria of Division 4.1, provided there is no free liquid visible at the time the material is loaded or at the time the packaging or transport unit is closed. Each packaging must correspond to a design type that has passed a leakproofness test at the Packing Group II level. Small inner packagings consisting of sealed packets containing less than 10 mL of a Class 3 liquid in Packing Group II or III absorbed onto a solid material are not subject to this subchapter provided there is no free liquid in the packet.

RCS, Inc. understands "no free liquid" to mean just that: all liquid is absorbed. The situation in question is the following:

A Class 3 hazardous material in Packing Group II meeting the provisions of the small quantity exception (49 CFR 173.4) is packaged in quantities of less than 10 mL, thus meeting the quantity limitation required under the last sentence of Special Provision 47. The materials are also hermetically sealed in packets and absorbed onto solid material. However, the packaging contains a small amount of free liquid.

RCS believes, and requests written confirmation, that any amount of free liquid will mean that this material can not be transported under Special Provision 47.

Please review and respond with a letter at your earliest convenience to the following address:

Corbin  
§172.102  
SP 47  
Applicability  
02-0210

Phil Vonderwell  
Technical Consultant  
RCS, Inc. - Ohio  
950 Taylor Station Road  
Suite M  
Gahanna, Ohio 43230

If you have any further questions or require further information, please do not hesitate to contact me at (614) 552-8530 ext. 32. Thank you for your help and cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phil Vonderwell".

Phil Vonderwell  
Technical Consultant  
RCS, Inc. - Ohio